



*City of Alexandria, Virginia*  
*Department of Planning & Zoning*

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**SPECIAL USE PERMIT CERTIFICATE**

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	SUP #2017-0058
Approved by Planning and Zoning:	June 16, 2017
Permission is hereby granted to:	Batjargal Tserendolgor
to use the premises located at:	222 North Lee Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

June 16, 2017  
Date

KARL MORITZ /AD  
Karl Moritz, Director  
Department of Planning and Zoning

DATE: June 16, 2017

TO: Alex Dambach, Land Use Regulatory Services Division Chief  
Department of Planning and Zoning

FROM: Madeleine Sims, Planner  
Department of Planning and Zoning

SUBJECT: Special Use Permit #2017-0058  
Administrative Review for Minor Amendment  
Site Use: Restaurant  
Applicant: Batjargal Tserendolgor  
Location: 222 North Lee Street  
Zone: CD / Commercial Downtown

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**Request**

Special Use Permit #2017-0058 is a minor amendment request to add alcohol sales to a 15-seat restaurant. The applicant does not propose any other changes to the operation.

**Background**

The subject site is an approximately 2,500 square foot building constructed in the 20<sup>th</sup> century and currently is host to four separate tenants who share three entrances. Tenants include two personal services, a retail store and the subject restaurant. A restaurant was first approved at this location by City Council in May 1982 for a carry out restaurant. SUP #1461A amended the previous approval to add 15 seats and increase the daily operating hours. In 1996, staff approved SUP #96-0071, for a change of ownership from Lee Street Beef Company to Jack R. Davis. Most recently in 2016, staff administratively approved SUP #2016-0078 for a change of ownership from Jack R. Davis to Tserendolgor Batjargal. On June 6th, staff inspected the site and found no violations.

**Parking**

The business is located within the Central Business District, and pursuant to Sec. 8-300 of the Zoning Ordinance, is not required to provide off-street parking for its customers. As such, the applicant is not required to provide any parking and, therefore, meets its parking requirement.

**Community Outreach**

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association was sent an e-mail with information about the current application, while the Founders Park Community Association was sent a letter regarding the application. Staff has not received any comments from residents or adjacent businesses that would require staff to docket the special use permit for public hearing. The applicant has also provided letters of support from residents who are not concerned by any anticipated impacts from on-premises alcohol sales at this location.

**Staff Action**

Staff does not object to the minor amendment request. On-premises alcohol sales is typical of many restaurants within the Central Business District as well as throughout the City and do not commonly result in neighborhood impacts. Staff has added Condition #27 allowing on-premises alcohol sales, and amended Condition #24 to require the applicant to inform their staff of methods to prevent underage drinking. Additionally, the relatively small restaurant has operated since 2016 and has not been subject to any SUP-related complaints. Staff hereby approves the Special Use Permit request.

**ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:**

Date: June 16 2017

Action: Approved



Alex Dambach, Land Use Regulatory Services Division Chief

- Attachments: 1) Special Use Permit Conditions  
2) City Department Comments  
3) Statement of Consent

**CONDITIONS OF SPECIAL USE PERMIT # 2017-0058**

The applicant is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The special use permit shall be granted to the applicant or to any corporation in which the applicant has a controlling interest only. (P&CD) (SUP #1617)
2. Seating shall be provided inside for no more than 15 patrons. (P&CD) (SUP #1617)
3. No outside dining facilities shall be located on the premises. (P&CD) (SUP #1617)
4. **CONDITION AMENDED BY STAFF:** The hours during which the business is opened to the public shall be restricted to between 7:00 AM and 11:00 PM daily. Meals ordered before 11 PM may be served, but no new patrons may be admitted and no alcohol may be served after 11 PM. All patrons must leave by 12 AM. (P&CD)(SUP #1617)
5. No food, beverages, or other material shall be stored outside. (P&CD) (SUP #1617)
6. Trash and garbage shall be stored inside or in a dumpster. (P&CD) (SUP #1617)
7. Trash and garbage shall be collected daily when the business is opened. (P&CD) (SUP #1617)
8. The applicant shall post the hours of operation at the entrance of the business. (P&Z) (SUP #2016-0078)
9. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2016-0078)
10. The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP #2016-0078)
11. The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP #2016-0078)
12. The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP #2016-0078)
13. The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at

[goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) or more information about available resources. (T&ES) (SUP #2016-0078)

14. Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP #2016-0078)
15. Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP #2016-0078)
16. If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP #2016-0078)
17. Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP #2016-0078)
18. Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2016-0078)
19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP #2016-0078)
20. All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP #2016-0078)
21. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP #2016-0078)
22. The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP #2016-0078)
23. **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be ~~monitored and~~ picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (~~SUP #2016-0078~~)

24. **CONDITION AMENDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements and on how to prevent underage sales of alcohol. (P&Z) (~~SUP #2016-0078~~)
25. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z) (SUP #2016-0078)
26. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (~~SUP #2016-0078~~)
27. **CONDITION ADDED BY STAFF:** On-premises alcohol sales shall be permitted. No off-premises alcohol sales are allowed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement    R - recommendation    S - suggestion    F - finding

Transportation & Environmental Services:

- R-1    Condition 10: The applicant shall require its employees who drive to use off-street parking. (T&ES) (SUP#2016-00078)
- R-2    Condition 11: The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) for information on establishing an employee transportation benefits program. (T&ES) (SUP#2016-00078)
- R-3    Condition 12: The applicant shall direct patrons to the availability of parking at nearby public garages and shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Strategy (Old Town Area Parking Study). (T&ES) (SUP#2016-00078)
- R-4    Condition 13: The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at [goalex@alexandriava.gov](mailto:goalex@alexandriava.gov) or more information about available resources. (T&ES) (SUP#2016-00078)
- R-5    Condition 14: Exterior power washing of the building shall not be completed using any kind of detergents. (T&ES) (SUP#2016-00078)
- R-6    Condition 15: Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES) (SUP#2016-00078)
- R-7    Condition 16: If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it. (T&ES) (SUP#2016-00078)
- R-8    Condition 17: Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES) (SUP#2016-00078)

- R-9 Condition 18: Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2016-00078)
- R-10 Condition 19: The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation & Environmental Services. (T&ES) (SUP#2016-00078)
- R-11 Condition 20: All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES) (SUP#2016-00078)
- R-12 Condition 21: Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2016-00078)
- R-13 Condition 22: The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line. (T&ES) (SUP#2016-00078)
- R-14 Condition 23: **CONDITION AMENDED BY STAFF:** Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be ~~monitored~~ and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
- C-1 **ADDED BY STAFF:** The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at [commercialrecycling@alexandriava.gov](mailto:commercialrecycling@alexandriava.gov), for information about completing this form. (T&ES)
- C-2 **ADDED BY STAFF:** The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES)
- C-3 **ADDED BY STAFF:** Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)



Code Enforcement:

No comments received.

Health Department:

No comments received.

Parks and Recreation:

No comments received.

Police Department:

No comments received.

Fire

No comments or concerns.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2017-0058. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 222 North Lee Street.

  
Applicant - Signature

6/15/17.  
Date

Tserendolgor Batjargal  
Applicant - Printed

6/15/17.  
Date